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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/473,667	12/29/1999	ERIC RHODES QUINN	192601540BS9	1291

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THOMAS, KAYDEN, HORSTEMEYER & RISLEY, LLP/  
BELLSOUTH I.P. CORP  
100 GALLERIA PARKWAY  
SUITE 1750  
ATLANTA, GA 30339

EXAMINER

ANWAH, OLISA

ART UNIT	PAPER NUMBER
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2645

DATE MAILED: 06/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/473,667

Applicant(s)

QUINN ET AL.

Examiner

Olisa Anwah

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 28 March 2005.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-41 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-41 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

2. Claims 1-41 are rejected under 35 U.S.C. § 102(e) as being anticipated by Hamilton et al, U.S. Patent No. 5,638,436 (hereinafter Hamilton).

Regarding claim 1, Hamilton discloses a telephone user interface comprising:

first command mode logic for receiving a first command signal from a user in association with an option of a first menu structure of options, said first command mode having an active or inactive status, the first command signal being received after a call is connected;

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second command mode logic for receiving a second command signal from the user in association with an option of a second menu structure of options, said second command mode having an active or inactive status, said options of said first menu structure logically associated with said options of said second menu structure, the second command signal being received after the call is connected; and

a command mode switch, functionally connected to both said first command logic and second command mode logic, said command mode switch responsive to said first and second command signals from the user, for toggling between the first command mode and second command mode by switching one of said first command mode and said second command mode from said active status to said inactive status and by switching the remaining one of said first command mode and said second command mode from said inactive status to said active status,

wherein the TUI is situated separately from user equipment (column 2 and Figure 1).

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Regarding claim 2, see column 2 and Figure 1.  
Regarding claim 3, see column 2 and Figure 1.  
Regarding claim 4, see column 2 and Figure 1.  
Regarding claim 5, see column 2 and Figure 1.  
Regarding claim 6, see column 2 and Figure 1.  
Regarding claim 7, see column 2 and Figure 1.  
Regarding claim 8, see column 2 and Figure 1.  
Regarding claim 9, see column 2 and Figure 1.  
Regarding claim 10, see column 2 and Figure 1.  
Regarding claim 11, see column 2 and Figure 1.  
Regarding claim 12, see column 2 and Figure 1.  
Regarding claim 13, see column 2 and Figure 1.  
Regarding claim 14, see column 2 and Figure 1.  
Regarding claim 15, see column 2 and Figure 1.  
Regarding claim 16, see column 2 and Figure 1.  
Regarding claim 17, see column 2 and Figure 1.  
Regarding claim 18, see column 2 and Figure 1.  
Regarding claim 19, see column 2 and Figure 1.  
Regarding claim 20, see column 2 and Figure 1.  
Regarding claim 21, see column 2 and Figure 1.  
Regarding claim 22, see column 2 and Figure 1.  
Regarding claim 23, see column 2 and Figure 1.  
Regarding claim 24, see column 2 and Figure 1.

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Regarding claim 25, see column 2 and Figure 1.

Regarding claim 26, see column 2 and Figure 1.

Regarding claim 27, see column 2 and Figure 1.

Regarding claim 28, see column 2 and Figure 1.

Regarding claim 29, see column 2 and Figure 1.

Regarding claim 30, see column 2 and Figure 1.

Regarding claim 31, see column 2 and Figure 1.

Regarding claim 32, see column 2 and Figure 1.

Regarding claim 33, see column 2 and Figure 1.

Regarding claim 34, see column 2 and Figure 1.

Regarding claim 35, see column 2 and Figure 1.

Regarding claim 36, see column 2 and Figure 1.

Regarding claim 37, see column 2 and Figure 1.

Regarding claim 38, see column 2 and Figure 1.

Regarding claim 39, see column 2 and Figure 1.

Regarding claim 40, see column 2 and Figure 1.

Regarding claim 41, see column 2 and Figure 1.

### ***Response to Amendment***

3. Applicant's arguments have been considered but are deemed to be moot in view of the new grounds of rejection.

**Conclusion**

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Olisa Anwah whose telephone number is 571-272-7533. The examiner can normally be reached on Monday to Friday from 8.30 AM to 6 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be

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reached on 571-272-7547. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

OA

Olisa Anwah  
Patent Examiner  
May 20, 2005



FAN TSANG  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600